

IFW

Docket No.: 5271-0112PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Haruo Sakagoshi et al.

Application No.: 10/539,719

Confirmation No.: 5004

Filed: June 20, 2005

Art Unit: N/A

For: NEGATIVE ELECTRODE FOR LITHIUM
SECONDARY BATTERY, METHOD FOR
MANUFACTURING THE SAME, AND
LITHIUM SECONDARY BATTERY USING
THE SAME

Examiner: Not Yet Assigned

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Subsequent to the filing of the above-identified application on June 20, 2005, attached hereto is an English translation of the International Preliminary Report on Patentability (Form PCT/IPEA/409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any

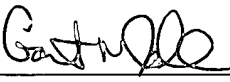
Application No.: 10/539,719

Docket No.: 5271-0112PUS1

additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: April 3, 2006

Respectfully submitted,

By  #43525
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Attachment(s)

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

IKEUCHI SATO & PARTNER PATENT ATTORNEYS
26th Floor, OAP Tower
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Kita-ku, Osaka-shi
Osaka 530-6026
JAPON

Date of mailing (day/month/year)

23 February 2006 (23.02.2006)

Applicant's or agent's file reference
H2012-01**IMPORTANT NOTIFICATION**International application No.
PCT/JP2004/000463International filing date (day/month/year)
21 January 2004 (21.01.2004)

Applicant

HITACHI MAXELL, LTD. et al

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

EP, KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.



The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 70 10

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

| | | |
|--|---|---|
| Applicant's or agent's file reference H2012-01 | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/JP2004/000463 | International filing date (day month year) 21.01.2004 | Priority date (day month year) 22.01.2003 |
| International Patent Classification (IPC) or national classification and IPC 7 | | |
| Applicant HITACHI MAXELL, LTD. | | |

| | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|--|---|-----------|---------------------|--------------------------|------------|----------|-------------------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| 1. | This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | This REPORT consists of a total of _____ sheets, including this cover sheet. | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | This report is also accompanied by ANNEXES, comprising: <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. | This report contains indications relating to the following items: <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability: citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | | |

| | |
|---------------------------------------|-----------------------------------|
| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/ | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000463

Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not unexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-16 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-5, 8-11, 14-17 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 6, 7, 13, 18, 19 received by this Authority on 18-11-2004
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/4-4/4 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 12 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 6, 18, 19

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☒ the claims, or said claims Nos. 6, 18, 19 are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-*bis* of the Administrative Instructions.

☒ See Supplemental Box for further details.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000463

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|------------------|-----|
| Novelty (N) | Claims | 1-5, 7-11, 13-17 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-5, 7-11, 13-17 | NO |
| Industrial applicability (IA) | Claims | 1-5, 7-11, 13-17 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

List of cited documents

Documents 1-4 and 8 listed below are cited in the international search report.

Documents 5-7 are newly cited documents.

Document 1: JP 2001-135304 A (Kyushu Electric Power Co., Inc.), 18 May 2001, claims 1 to 5; Paragraphs [0025] and [0026]; examples, (Family: none)

Document 2: JP 10-241683 A (Mitsubishi Cable Industries, Ltd.), 11 September 1998, claims 1 to 4; paragraphs [0007] to [0012]; examples, (Family: none)

Document 3: JP 8-180873 A (Sony Corp.) , 12 July 1996, claims 1 to 4; examples; table 1 (Family: none)

Document 4: JP 9-27314 A (Matsushita Electric Industrial Co., Ltd.), 28 January 1997, claims 1 to 4 ; paragraph [0009]; examples (Family: none)

Document 5: JP 2001-250536 A (Matsushita Electric Industrial Co., Ltd.), 14 September 2001, claims 1-3, entire description, (Family:

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

none)

Document 6: 2002-246020 A (Sony Corp.), 30 August
2002, paragraphs 0111, 0112, etc.,
(Family: none)

Document 7: JP 2002-313323 A (Toyota Central research
and Development Laboratories, Inc.), 25
October 2002, claims 1-4, examples, etc.,
(Family: none)

Document 8: JP 2000-138061 A (NEC Corp.), 16 May
2000, claim 1, paragraph 0026, (Family:
none)

Explanation

Claims 1, 3-5, 7, 9-11, 13 and 15-17 do not involve an inventive step in the light of documents 1-7.

Documents 1-4 all disclose a lithium secondary battery that uses a mixture of spherical graphite and flat graphite as a negative electrode and suggest that the range of particle size overlaps with the range set forth in the present application. Although there is no specific disclosure relating to the concomitant use of a water-based resin and a rubber-based resin as the binder, the use of a water-based resin and a rubber-based resin as the binder in the negative electrode of lithium secondary battery is well-known, as suggested in documents 5-7.

Moreover, although there are no specific disclosures relating to the size of the crystallite along the c-axis, the tap density, parameters using the Raman spectral, and secondary particle size when particles become secondary particles, both the present invention and the inventions disclosed in documents 1-4 aim to achieve the effect of using several types of graphite of differing shape and

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

size concomitantly. Furthermore, if we examine the entire description of the present application, there is no disclosure suggesting an unexpected effect due to the size of the crystallite along the c-axis, the tap density, parameters using the Raman spectral, and secondary particle size when particles become secondary particles and, therefore, it appears that if measured, the carbon material disclosed in documents 1-4 would fulfil these conditions or that these conditions could be suitably derived as matters of design.

Claims 2, 8 and 14 do not involve an inventive step in the light of documents 1-8. The feature of coating the surface of the graphite material with a non-graphite carbon coating is known, as disclosed in document 7.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

III.

Of the claims amended by the amendment submitted with the correspondence dated 18 November 2204, claims 6 and 18 introduce new subject matter relating to the coating density of the negative electrode and claim 19 introduces new subject matter relating to the inclusion of vinylene carbonate in the non-aqueous electrolyte. No international search was carried out with respect to either of these technical features in the international search report.